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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**923 CIVIL APPLICATION NO.853 OF 2019
IN FAST/2761/2018**

ISHIKA D/O RAVINDRA WAKDE AND ORS
VERSUS
THE DIV. MANAGER, TATA A.I.G. INSURANCE CO. LTD.,
AURANGABAD AND ANR

...

Advocate for Applicants : Mr. Taur Mahesh S
Advocate for Respondent No.1 : Mr. S. G.
Chapalgaonkar

...

**CORAM : P.R. BORA, J.
DATED : 16th JANUARY, 2019.**

PER COURT:-

. The applicants have filed the application seeking withdrawal of the amount as has been deposited by the appellant-insurance company in this Court. The learned counsel for the respondent-insurance company has opposed for granting such withdrawal stating that the aspect of contributory negligence has not been appropriately considered by the Tribunal.

2. I have perused the impugned judgment. The learned Tribunal has awarded the compensation of Rs.5,39,000/- to claimant no.1 Ishika who is minor and has directed to invest the amount granted to her share in Fixed Deposit. There is therefore no

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question of allowing any withdrawal from the said amount. The Tribunal has awarded the compensation of Rs.2,50,000/- each to claimant nos. 2 and 3. In view of the objections raised against the judgment and award passed by the Tribunal, I deem it appropriate to permit applicant nos.2 and 3 to withdraw the sum of Rs.1,25,000/- each from the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court.

3. Balance amount of the share of applicant nos. 2 and 3 be invested in Fixed Deposit Receipt in any nationalized bank for the period till disposal of the appeal.

4. The civil application stands disposed of.

(P.R. BORA, J.)

Mujaheed//